

MAR 25 2005

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**Date:** Friday, 25 March 2005 **Time:** 1000 approx.

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**To:** Vanel Frenel, Patent Examiner  
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*Howard Kaiser*

Howard Kaiser

<b>In re Patent Application of:</b>	:	<b>Confirm. No.:</b> 8767
<b>GLENN G. WARD, DONALD J. COLLINS and</b>	:	
<b>RICHARD A. STUTCHFIELD</b>	:	
	:	
<b>Serial No.:</b> 09/671,871	:	<b>Art Unit:</b> 3626
<b>Filing Date:</b> 09/28/00	:	
<b>Attorney Docket No.:</b> 82,144	:	
	:	
<b>Title:</b> OPERATING PLAN FOR MACHINERY	:	<b>Examiner:</b> Vanel Frenel

Faxed herewith please find the following paper, being formally filed by Applicant:

**Supplement to Request to Vacate Final Rejection..... 2 pages**

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PATENTS

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: : Confirm. No.: 8767  
GLENN G. WARD, DONALD J. COLLINS and :  
RICHARD A. STUTCHFIELD :  
Serial No.: 09/671,871 : Art Unit: 3626  
Filing Date: 09/28/00 :  
Attorney Docket No.: 82,144 :  
Title: OPERATING PLAN FOR MACHINERY : Examiner: Vanel  
Frenel

**SUPPLEMENT TO REQUEST TO VACATE FINAL REJECTION**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

On Sunday 03/20/05 Applicant filed a Request to Vacate Final Rejection together with an After-Final Amendment and a Petition for Extension of Time under 37 CFR 1.136(a). On Monday 03/21/05 Applicant filed an Appeal Brief together with a Fee Authorization.

**Certificate of Facsimile Transmission under 37 CFR 1.8**

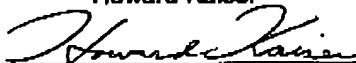
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In Applicant's Request to Vacate Final Rejection filed 03/20/05, Applicant points out that the second Office action (mailed 09/22/04 and deemed "final") is deficient in failing to consider all of the limitations of claims rejected thereby. The


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## PATENTS

purpose of the instant supplemental paper is to emphasize that this deficiency is present not only in independent claims 1, 19 and 29, but also in dependent claims 10, 11, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 33. With regard to each of these claims, the second Office action discusses the previously unrecited limitations only -- that is, only the limitations that are "added" by Applicant's Amendment filed 06/10/04. In the second Office action, each corresponding subparagraph explaining a claim rejection begins with the phraseology, "As per the added features to claim [1, 10, 11, 16-29, 33], ..."

Accordingly, Applicant's requests for withdrawal of the finality of the second Office action, and for entry of Applicant's After-Final Amendment filed 03/20/05, are respectfully reiterated herein.

Respectfully submitted,

  
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ATTORNEY FOR APPLICANT

03/25/05  
date

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